

REMARKS

Initially, in the Office Action dated March 3, 2003, the Examiner has rejected claims 1, 5 and 7-9 under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. EP 0 926 862 (Karibe et al.). Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Karibe et al. in view of U.S. Patent No. 6,378,127 (Delo). Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Karibe et al. in view of Japanese Patent Application 09 218788A (Asao et al.). Claims 6 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Karibe et al. in view of U.S. Patent No. 6,230,098 (Ando).

By the present response, Applicants have amended claims 1 and 7 to further clarify the invention. Further, Applicants have canceled claims 2 and 3. Claims 1 and 4-10 remain pending in the present application.

35 U.S.C. §102 Rejections

Claims 1, 5 and 7-9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Karibe et al. Applicants respectfully traverse these rejections.

Karibe et al. discloses a software download system where a transmitting apparatus transmits judgment apparatus to a receiving apparatus. The receiving apparatus compares the received judgment information with software information stored in the receiving apparatus to check whether the downloading is successful or unsuccessful. The receiving apparatus checks whether the software is downloadable or not. When downloadable, the receiving apparatus automatically

executes the downloading of the software without any intervention by the user. When not downloadable, the receiving apparatus causes a display apparatus to display a message and notifies the downloading failure to the transmitting apparatus.

Regarding claims 1 and 7, Applicants submit that Karibe et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, an update sequence management unit that forms an installation sequence table in accordance with a distribution software list downloaded in advance at a terminal apparatus, where the installation sequence table describes the program or data of the terminal apparatus to be updated, software necessary in a chain manner for updating the program or data, and the update sequence of the software, or a distribution software list that includes the descriptions as recited in the limitations of the claims of the present application. Karibe et al. merely teaches a terminal apparatus that decides a version of software to be downloaded, and receives the software from a satellite thereby to perform the update processing of the software. Karibe et al. does not disclose or suggest anything related to the update sequence of the software being related to a distribution software list that had been downloaded in advance, as recited in the claims of the present application. The Examiner asserts that Karibe et al. teaches an update sequence management unit at col. 12, lines 23-26. However, this portion of Karibe et al. merely discloses a software managing section 5 that manages the software received from downloading and stores the software in a software storing section 6. This is not an update sequence management unit that forms an installation sequence table in accordance with a

distribution software list downloaded in advance and that determines the update sequence of the software based on the installation sequence table. In the Examiner's 103 rejection of claim 2 (canceled by Applicants), the Examiner admits that Karibe et al. does not teach an installation sequence table but asserts that Delo teaches the use of an installation sequence table controlling the sequence of installation actions at col. 7, lines 21-23. However, this portion of Delo merely discloses an installation sequence 208 being a table that controls the order of actions to be performed during a software product installation. This table is a part of an action database 200. The installation sequence table in action database 200 is not an update sequence management unit that forms an installation sequence table in accordance with a distribution software list where the installation sequence table describes, among other things, the update sequence of the software, as recited in the claims of the present application. The sequence in Delo is not one which determines the update sequence of the software based on the dependency information obtained from the distribution software list having been downloaded, as is the case in the present application.

Regarding claims 5, 8 and 9, Applicants submit that these claims are dependent on independent claims 1 and 7 and, therefore, are patentable at least for the same reasons noted regarding these independent claims.

Accordingly, Applicants submit that neither Karibe et al. nor Delo, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1, 5 and 7-9 of the present application. Applicants

respectfully request that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claim 2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Karibe et al. in view of Delo. Applicants have canceled this claim therefore rendering this rejection moot.

Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Karibe et al. in view of Asao et al. Claim 3 has been canceled. Applicants respectfully traverse the rejection of claim 4.

Asao et al. discloses a direct software download system that includes a first central processing unit which confirms normality of execution of new program received by a second CPU to allow in-service downloading of the new program to it.

Applicants submit that claim 4 is dependent on independent claim 1 and, therefore, is patentable over the cited references at least for the same reasons noted previously regarding this independent claim. Applicants submit that Asao et al. does not overcome the substantial defects noted previously regarding Karibe et al. Accordingly, Applicants submit that neither Karibe et al. nor Asao et al., taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 4 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

Claims 6 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Karibe et al. in view of Ando et al. Applicants respectfully traverse these rejections.

Ando et al. discloses map data processing apparatus and method and map data processing system where on a vehicle side, map data storage sections stores map data, which is to be updated using the latest map data transmitted from an information center.

Applicants submit that claims 6 and 10 are dependent on independent claims 1 and 7, respectively and, therefore, are patentable for at least for the same reasons noted previously regarding these independent claims. Applicants submit that Ando et al. does not overcome the substantial defects noted previously regarding Karibe et al. Accordingly, Applicants submit that neither Karibe et al. nor Ando et al., taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 6 and 10 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-10 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, the Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to

U.S. Application No. 09/648,451

the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No.
01-2135 (referencing attorney docket no. 500.38966X00).

Respectfully submitted,

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